

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zev Carter	Team: Squad #3	CCRB Case #: 201807813	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/20/2018 7:00 PM	Location of Incident: [REDACTED]	Precinct: 83	18 Mo. SOL 3/20/2020	EO SOL 11/4/2020	
Date/Time CV Reported Fri, 09/21/2018 12:51 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/21/2018 12:51 PM		
Complainant/Victim	Type	Home Address			
[REDACTED]	[REDACTED]	[REDACTED]			
Witness(es)	Home Address				
[REDACTED]	[REDACTED]				
[REDACTED]	[REDACTED]				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Isaac Souchak	20508	959263	HBK RT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POM Cory Levy	19666	958812	HBK RT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Isaac Souchak	Force: Police Officer Isaac Souchak used physical force against § 87(2)(b) [REDACTED]			[REDACTED]	

Case Summary

On September 21, 2018, § 87(2)(b) filed this complaint with the CCRB over the phone. § 87(2)(b) also filed a separate complaint with IAB over the phone on September 21, 2018 (log #2018-37738).

On September 20, 2018, at approximately 7:00 p.m., § 87(2)(b) was stopped by Police Officer Isaac Souchak and Police Officer Cory Levy from Housing Borough Brooklyn Response at the corner of § 87(2)(b) in Brooklyn. PO Souchak pushed § 87(2)(b) against the wall of a nearby building (**Allegation A: Force,** § 87(2)(g) § 87(2)(b) was issued a summons for possession of marijuana (01 Board Review).

This case contains video evidence which does not capture FADO allegations. A stop is not being pleaded in this case because of the summons that was issued to § 87(2)(b).

Findings and Recommendations

Allegation (A) Force: Police Officer Isaac Souchak used physical force against § 87(2)(b)

§ 87(2)(b) stated that on September 20, 2018 at approximately 7:00 p.m., he had been jogging laps in the vicinity of § 87(2)(b) in Brooklyn for 20-30 minutes when he was stopped by PO Souchak on the corner of § 87(2)(b) (02 Board Review). PO Souchak asked what was in § 87(2)(b)'s hand, and grabbed it. Only § 87(2)(b)'s lighter was in his hand. Another officer, PO Levy, came behind § 87(2)(b) and the two officers asked § 87(2)(b) "Where's the drugs?" PO Souchak then pushed § 87(2)(b) against the wall of a nearby building with an open palm. § 87(2)(b) had not made any movements prior to being pushed. PO Levy placed § 87(2)(b) in handcuffs. PO Souchak found what looked like a cigarette butt on the ground and said to § 87(2)(b) "It's feet away from you!" PO Souchak told § 87(2)(b) that he saw him smoking, and saw him drop the object. The officers brought § 87(2)(b) to their van and released him with a summons for possession of marijuana.

In his telephone statement, § 87(2)(b) stated that upon exiting his home at § 87(2)(b) in Brooklyn, he came upon a woman filming the encounter between § 87(2)(b) and the officers (04 Board Review). § 87(2)(b) stated that the woman told him that the officers were being "pretty brutal" with § 87(2)(b) was not being physically violent or resistant to the officers. § 87(2)(b) started filming several minutes after he came upon the scene. One officer was asserting to § 87(2)(b) that he was lying to the officers, and that he had drugs. The officers were "manhandling" § 87(2)(b) and putting their hands on him. § 87(2)(b) did not recall exactly how the officers made contact with § 87(2)(b). The woman who was filming the encounter left without providing her information to § 87(2)(b) or § 87(2)(b).

PO Levy and PO Souchak provided consistent accounts in that they both smelled marijuana as they drove away from their command. Both officers stated that they observed § 87(2)(b) smoking what they believed was a marijuana cigarette. PO Souchak exited the vehicle first and approached § 87(2)(b). PO Levy followed shortly after. Both officers stated that upon being stopped, § 87(2)(b) acted aggressively, refused to provide his ID, would not cooperate with officers, and tensed his body. Both officers stated that PO Souchak found what they believed to be § 87(2)(b)'s marijuana cigarette on the ground near where § 87(2)(b) was stopped.

PO Souchak stated that after he exited the van, he continued to observe § 87(2)(b) smoking and walking as he followed from a distance of one half of a block (06 Board Review). PO Souchak had no interactions with § 87(2)(b) as he followed, and § 87(2)(b) did not see PO Souchak. As § 87(2)(b) rounded the corner at § 87(2)(b), PO Levy, who had been driving, rounded the corner, exited the van and approached § 87(2)(b) on foot. § 87(2)(b) threw the marijuana cigarette to the ground. PO Souchak thought he heard PO Levy ask for § 87(2)(b)'s ID. § 87(2)(b) said, "I ain't giving you shit" and flexed his arms forward with his hands partially closed. PO Souchak asked for § 87(2)(b)'s ID at least three times. PO Souchak inferred from § 87(2)(b)'s movements that he did not plan to cooperate with the officers. PO Souchak approached § 87(2)(b) from behind and put his hands on § 87(2)(b)'s shoulders. He asked § 87(2)(b) to step to the side and place his hands behind his back, and, with his hands still on his shoulder, guided § 87(2)(b) from the corner to the edge of the sidewalk. § 87(2)(b) did not fall or stumble as he was guided or complain about this physical contact. PO Souchak did not use force against § 87(2)(b). The officers then brought § 87(2)(b) to their van, where they decided to issue him a summons for criminal possession of marijuana and warn and admonish him for obstructing governmental administration and tampering with evidence. The officers then released him.

PO Levy stated that immediately after noticing § 87(2)(b)'s tensed body, PO Levy placed § 87(2)(b) in handcuffs (05 Board Review). PO Levy did not use force against § 87(2)(b) and he did not witness PO Souchak use force. After § 87(2)(b) was placed in handcuffs, PO Levy frisked and searched him in order to locate and obtain his ID. It was the officers' intention to arrest § 87(2)(b) for obstructing governmental administration, and so they brought him to their van. After finding that § 87(2)(b) did not have any arrest warrants, they determined that he qualified for a criminal summons.

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.

- PO Souchak has been a member of service for three years and has been subject in four cases and 11 allegations, of which one has been substantiated:
 - CCRB #201707305 involved one substantiated allegation of a discourteous action. The board recommended command level instructions.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- A FOIL request filed on November 30, 2018 for a notice of claim regarding this incident is pending, and will be added to the case file upon receipt.
- According to the Office of Court Administration, § 87(2)(b) has no history of convictions in New York City (10 Board Review).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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